

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 08-</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>August 21, 2008</u></b>
<b>TROY HOLMES</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy - 1</b>
	<b>:</b>	<b>count)</b>
	<b>:</b>	<b>18 U.S.C. § 2119 (carjacking - 1</b>
	<b>:</b>	<b>count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c) (using and</b>
	<b>:</b>	<b>carrying a firearm during a crime</b>
	<b>:</b>	<b>of violence - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment:

1. I.O., a person known to the grand jury, was the owner of a 1999 Lexus registered in Pennsylvania, with a vehicle identification number ending in 9641.
2. On or about July 29, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TROY HOLMES**

conspired and agreed with others known and unknown to the grand jury to take from the person and presence of another, by force, violence, and intimidation, with intent to cause death and serious bodily harm, a motor vehicle, that is, a 1999 Lexus, with a vehicle identification number ending in 9641, that had been transported, shipped and received in interstate commerce.

### **MANNER AND MEANS**

It was part of the conspiracy that:

3. Defendant TROY HOLMES and Person No. 1, a person known to the grand jury, planned to carjack I.O.'s car, and to steal I.O.'s money at gunpoint.

4. Defendant TROY HOLMES and Person No. 1 brandished a handgun while carjacking I.O.'s car.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendant TROY HOLMES and Person No. 1 committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about July 29, 2007:

1. In the presence of defendant TROY HOLMES, Person No. 1 placed a handgun to I.O.'s head and demanded to know if I.O. had money. When I.O. acknowledged having money, Person No. 1 told I.O. to drop everything onto the street.

2. Defendant TROY HOLMES stood next to Person No. 1 as Person No. 1 pointed the handgun at I.O. I.O. placed his car keys, \$40 cash, a cellular telephone and a phone card on the sidewalk. After picking up this property, defendant HOLMES and Person No. 1 got into I.O.'s 1999 Lexus. Defendant HOLMES sat in the front passenger's seat and Person No. 1 sat in the driver's seat.

3. Person No. 1 began driving the 1999 Lexus away from I.O. as defendant TROY HOLMES sat in the front passenger's seat.

4. Defendant TROY HOLMES and Person No. 1 fled from the police in

I.O.'s car, and crashed I.O.'s car into another vehicle at the intersection of Sixth and Market Streets in Philadelphia.

5. Defendant TROY HOLMES and Person No. 1 fled from the police on foot, leaving I.O.'s car at the intersection of Sixth and Market Streets in Philadelphia.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 29, 2007, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**TROY HOLMES,**

with intent to cause death and serious bodily harm, at gun point, took, and aided and abetted the taking of, a motor vehicle, that is, a 1999 Lexus, with a vehicle identification number ending in 9641, from the person and presence of another, that is, I.O., a person known to the grand jury, by force, violence, and intimidation, that had been transported, shipped, and received in interstate commerce.

In violation of Title 18, United States Code, Sections 2119 and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 29, 2007, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**TROY HOLMES**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a  
Lorcin L25 .25-caliber semi-automatic handgun, serial number 294303, during and in relation to  
a crime of violence for which he may be prosecuted in a court of the United States, that is,  
carjacking, in violation of Title 18, United States Code, Section 2119.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violation of Title 18, United States Code, Section 924(c)(1), set forth in the indictment, defendant

**TROY HOLMES**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of such offense, including but not limited to a Lorcin L25 .25-caliber semi-automatic handgun, serial number 294303, and four live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

\_\_\_\_\_  
**FOREPERSON**

\_\_\_\_\_  
**LAURIE MAGID**  
**Acting United States Attorney**